

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 1, 2004

DIVISION ONE

B165402 Boranian et al. (Certified for Publication)
 v.
 Clark

The judgment is reversed, and the cause is remanded to the trial court with directions to enter a new judgment in favor of Clark. Clark is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B169057 Featherson (Certified for Publication)
 v.
 Farwell

The judgment is affirmed. Farwell is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

November 1, 2004 (Continued)

DIVISION ONE (Continued)

B177354 Anthony C. (Not for Publication)
v.
The Superior Court of Los Angeles County;
(Department of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B166841	People v. Mean, et al.	(Not for Publication)
B172007	In re Nguon on Habeas Corpus	

Thaisan: The 10-year sentence imposed on count 2 pursuant to section 186.22, subdivision (b)(1), is stricken; with this modification, the judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and to forward it to the Department of Corrections.

Mean: The unspecified stayed sentence imposed pursuant to section 12022.7 is stricken; with this modification, the judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting this change (and at the same time correcting the abstract to show that Mean's conviction of shooting at an occupied vehicle was not the result of a guilty plea) and to forward the abstract to the Department of Corrections.

Thailee: The judgment is affirmed.

The petition for a writ of habeas corpus is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

November 1, 2004 (Continued)

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B175433 Hill Brothers Chemical Company (Certified for Publication)
v.
Superior Court, Los Angeles County
(Robin Lorentsen, et al., r.p.i.)

Let a peremptory writ of mandate issue directing respondent court to vacate its order denying the motion for summary judgment in favor of Hill Brothers, and to enter a new order granting the motion. The temporary stay order is vacated. Hill Brothers is awarded costs in this original proceeding.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION FOUR

B174645 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

November 1, 2004 (Continued)

DIVISION FOUR (Continued)

B166636 People (Not for Publication)
v.
Perry P.

The order of continuing wardship is affirmed and the matter is remanded to the juvenile court for clarification of conditions of probation and in all other respects the matter is affirmed.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

B171062 Aranda (Not for Publication)
v.
Workers Compensation Appeals Board

The WCAB's finding that Aranda's left knee injury and need for treatment is not industrial is reversed. The matter is remanded for further proceedings consistent with this opinion.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

DIVISION FIVE

Court convened at 9:05 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B171178 Peo v. Casasola and King
B173606 Peo v. Chatfield
B176376 DCFS v. Samoset G.

DIVISION FIVE (Continued)

Each of the following (Continued):

B177775 Peo v. Thomas
B174391 DCFS v. Susan K.
B173393 Peo v. Wallace
B177149 DCFS v. Cynthia L.

Argument waived, cause submitted.

B173146 People
 v.
 Jeffrey Green

Merits:
Argued by Sally P. Brajevich for appellant and by Alan D. Tate, deputy attorney general, for respondent. Cause submitted.

B173970 Joan Hawley-McGrath
 v.
 General Trailer Park Associates

Merits:
Argued by Charles V. Berwanger for appellant and by Henry Heater for respondents. Cause submitted.

B166698 Robert Jaffe
 v.
 Kaiser Foundation Hospital

Merits:
Argued by Robert Jaffe, appellant in propria persona and by Sarah G. Benator for respondents. Cause submitted.

DIVISION FIVE (Continued)

B172197 Victoria Lavetts
 v.
 Matthew Cutter et al.

Merits:
Argued by Michael Harris for appellant and by John R. Fischer for respondents. Cause submitted.

B173071 Christa Hawkins
 v.
 Lauriann Wright

Merits:
Argued by Marc L. Sallus for appellant and by Douglas S. Fabian for respondent. Cause submitted.

B175370 Esquire Deposition Services et al.
 v.
 William Manus et al.

Merits:
Argued by John Vaughn for appellants and by Kelly F. Ryan for respondents. Cause submitted.

Court recessed at 11:25 a.m.

Court reconvened at 11:30 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher and Z. Heraldez, Deputy Clerks.

Each of the following:

B173132 Peo v. Smith
B175332 DCFS v. Craig S.

Argument waived, cause submitted.

November 1, 2004 (Continued)

DIVISION FIVE (Continued)

B171809 Los Angeles County, D.C.S.
 v.
 David and Clare P.
 In re Gwen M. et al

Merits:

Argued by Kim Nemoy, Deputy County Counsel, for appellant D.C.F.S.,
by Janette Cochran for appellants David and Clare P., by John Dodd for
respondents and by Joseph Tavano for respondent minor. Cause submitted.

Court recessed at 12:16 p.m.

Court reconvened at 12:19

Present: Grignon, J., Armstrong, J., Mosk, J. and Z. Heraldez, Deputy Clerk.

B169508 Office of Administrative Hearings
 v.
 James Davis Bennett

Merits:

Argued by James Davis Bennett, appellant in propria persona and by Elisa
B. Wolfe-Donato, D.A.G. for respondent. Cause submitted.

Court recessed at 12:38

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B175345 Massoud Assef
 v.
 Matthew Wang

Merits:

Argued by Kevin H. Park for appellants and by Vangi M. Johnson for
respondent. Cause submitted.

November 1, 2004 (Continued)

DIVISION FIVE (Continued)

B167100 Paul Terrusa
v.
Los Angeles County Civil Service Commission

Merits:
Argued by Richard A. Shinee for appellant and by Mark H. Meyerhoff for respondent. Cause submitted.

B173066 Ernest Leep
v.
American Ship Management

Merits:
Argued by Preston Easley for appellant and by Elsa M. Ward for respondent. Cause submitted.

Court adjourned at 2:00 p.m.

DIVISION SIX

B172761 People (Not for Publication)
v.
Mills

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

November 1, 2004 (Continued)

DIVISION SIX (Continued)

[illegible]

We modify the judgment of October 28, 2003, to impose a \$200 assessment (§ 1464) and a \$140 assessment (Gov. Code, § 76000, subd. (a)) on the sex offense fine, and direct the trial court to enter an amended judgment reflecting these modifications. As modified, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B170634 People (Not for Publication)
v.
Hernandez

The judgment is modified to strike the ten-year criminal street gang enhancement imposed under section 186.22, subdivision (b)(1). The clerk of the Superior Court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

November 1, 2004 (Continued)

DIVISION SEVEN (Continued)

B151534 Fletcher (Not for Publication)
v.
Davis et al.

In accordance with our Supreme Court's opinion we affirm the trial court's judgment of dismissal as to defendants Davis, Fischbach, Gilbert and Gernsbacher. Defendants are awarded their costs on their appeal in this court and on their petition for review in the Supreme Court.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B169294 People (Not for Publication)
v.
Gonzalo G.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Zelon, J.

B166053 Spelling (Not for Publication)
v.
Bilow et al.

The judgment is reversed and remanded pertaining to the award of attorneys' fees and the trial court is instructed to make findings on the apportionment of attorneys' fees in accordance with the views expressed herein. In all other respects the judgment is affirmed. Each side to bear their own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
Zelon, J.

November 1, 2004 (Continued)

DIVISION SEVEN (Continued)

B163111 Lowgren (Not for Publication)
v.
Inman

The judgment is reversed. On remand the trial court is directed to deny the summary judgment motions; to grant the summary adjudication motions with respect to the first cause of action for breach of warranty, the third cause of action for declaratory relief, the sixth cause of action for strict liability and, as to Dalcin alone, the fifth cause of action for negligence resulting in property damage; and to deny the summary adjudication motions with respect to all other causes of action. Each party is to bear his, her and its own costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION EIGHT

B170423 People (Not for Publication)
v.
Saz

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.